

*The Judge's Daughter:***THE COW AS A NEGOTIABLE INSTRUMENT**

WRITTEN BY PAMELA BUCHMEYER

THE STORY WAS TRUE PER THE U.S. PRESS: a British man, Albert Haddock, paid his taxes by walking his cow over to the collector's office with a check written on its side. Thus, the cow itself became a negotiable instrument (Memphis Press-Scimitar, July 31, 1967, claiming as its source New York's Chase Manhattan Bank).

But the story wasn't true, it was satire—legal humor written by A.P. Herbert for the legendary British comic magazine *Punch*. One of a series of columns by Herbert called *Misleading Cases*, which set out the folly and foibles of the British justice system to entertain and to sometimes spark reform.

Today, it would be like citing the *Onion* as a legitimate news source.

Herbert loved the mistake and included it in the introduction to his next book of collected columns titled *Uncommon Law: Being 66 Misleading Cases*. I inherited a copy from my late father, Judge Jerry Buchmeyer—who wrote a humor column for 28 years for the *Texas Bar Journal*—and I'm presenting lightly edited excerpts below as part of a book review. I think you'll enjoy it.

A promissory cow—believable? Maybe. For when I did disaster recovery work for the government, we loaned recovery funds to a Florida roadside attraction and for security took a Uniform Commercial Code, or UCC, filing on its inventory including a display of live alligators. The office joke: One brave lawyer would have to tattoo the UCC filing number on every gator's belly.

Don't be shy—send your tall tales, fond memories, and war stories to me at pambuchmeyer@gmail.com.

JUDGE JERRY L. BUCHMEYER (1933-2009) grew up in Overton and served as a federal judge in the Northern District of Texas after being nominated in 1979 by President Jimmy Carter. His monthly legal humor column ran in the *Texas Bar Journal* from 1980 to 2008.

**In the Doghouse**

But first, a true and recent encounter on a Zoom hearing shared by Judge Lincoln J. Monroe, associate judge of Probate Court 2 in Dallas County [with minor embellishments].

Court: Will the witness raise their right hand—[sounds like a jackhammer].

Court: Okay, that's better, let's try this again. Witness, raise your right hand, do you solemnly swear—[sounds like a freight train].

Witness: Sorry, your honor. *I think it's my dog snoring.*

Per Judge Monroe, "Sometimes it's best for the court to let sleeping dogs lie."

Book Review: *Uncommon Law: Being 66 Misleading Cases*, by A.P. Herbert

Misleading Case No. 32: Board of Inland Revenue v. Haddock (with light editing)

Case summary: The defendant, Albert Haddock, has for many months . . . been unable to establish harmonious relations [with] . . . the Collector of Taxes. . . . After an exchange of endearing letters, telephone calls, and even cheques, the sum of income tax demanded was reduced to fifty-seven pounds.

This May the Collector was diverted from his respectable labors by . . . a noisy crowd outside his windows . . . attracted by Mr. Haddock who was leading a large white cow of malevolent aspect. On the back and side of the cow clearly stenciled in red ink:

To the London and Literary Bank, Ltd.

Pay the Collector of Taxes, who is no gentleman, or Order, the sum of fifty-seven pounds (and may he rot!).

Albert Haddock—Two penny stamp affixed to cow's horn

Mr. Haddock led the cow into the Collector's office, tendered it in payment and demanded a receipt. The Collector objected that it would be impossible to pay the cow into the bank. Mr. Haddock . . . maintaining the friendliest of

demeanors, suggested the Collector endorse the cow to any third party. The Collector endeavored to endorse the cheque on the abdomen of the cow, but the animal adopted a menacing posture.

Mr. Haddock testified truthfully:

Nothing in statute requires a cheque be on a particular paper. My bank account had sufficient funds to cover the cow and I myself have drawn cheques on the backs of menus, on napkins, on handkerchiefs, and on the labels of wine bottles all of which have been duly honored by my bank and passed through the Bankers' Clearing House. It is a nice thing [facetious] if in the heart of the commercial capital of the world a man cannot convey a negotiable instrument down the street without being arrested for obstruction.

Luckily for Mr. Haddock, the court found his case wholly credible:

No thinking man can regard the Finance Acts which governs the income-tax with anything but contempt, yet Mr. Haddock took steps to discharge his legal obligations to the State. Paper was not available, so he employed a favorite cow. Payment in kind is the oldest form of payment and in some parts of our Empire, the cow is venerated as a sacred animal.

The Collector might not like the promissory cow, but the cow having been tendered with the required two penny stamp, then the Collector was estopped from charging him with failure to pay. Summons discharged. Next case.

A.P. Herbert's work also fooled the noted American legal journalist Martin Mayer who reported in his book *The Lawyers* (Harper 1967, page 167) that one of Herbert's whimsical "cases" had actually happened. As you may have guessed, Albert Haddock appeared in a majority of the misleading cases as a perennial litigant, witness, juror, you have it.

Misleading Case No. 5: Rex v. Haddock, or is it a free country? (with light editing)

Summary: On a dare, the defendant-appellant Albert Haddock jumped off a bridge into the river Thames. A strong swimmer, he expected to win a one-pound wager, but instead the police insisted on rescuing him and finding his behavior highly irritating, they fined him two pounds not for any offense they could name but on general principles.

Haddock wasn't drunk and disorderly; he hadn't interfered

with an ongoing regatta or obstructed a public waterway. No gambling as his buddy welched on the bet. Per Haddock's general answer: I made the jump purely for fun. And aint' it a free country? Where a man can do as he like if he does nobody harm?

The defendant took umbrage with the two-pound fine and the courts turned the whole matter into five long years of litigation. The Court of Criminal Appeals:

It is a principle of English law that a person who appears in a police court has done something undesirable, and citizens who take it upon themselves to do unusual actions which attract the attention of the police should be careful to bring these actions into one of the recognized categories of crimes and offences. . . .

It cannot be too clearly understood that this is not a free country, and it will be an evil day for the legal profession when it is. The citizens of London must realize that there is almost nothing they are allowed to do. . . . If not by Act of Parliament, by Order in Council . . . by Departmental or Police Regulations . . . they may not eat where they like, drink where they like, walk where they like . . . least of all may they do unusual actions 'for fun.' People must not do things for fun. We are not here for fun. There is no reference to fun in any Act of Parliament. If anything is said in this Court to encourage a belief that Englishmen are entitled to jump off bridges for their own amusement the next thing to go will be the Constitution.

Haddock's appeal was dismissed although one justice added that the defendant appeared to have violated the Public Health Act when his body polluted a public water.

The deceived journalist who cited this satirical "opinion" as a true and accurate case made the pointed observation, "No such opinion could be written by an American court."

To which I reply: one can only hope. Copies of *Uncommon Law* are available today at moderate prices from specialty purveyors such as abebooks.com. Heartily recommended. **TBJ**



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